

### **REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 7, 8, 11, 13, 14, 17 and 18 were rejected under 35 USC 102(b) as being anticipated by Jennings. Applicant respectfully traverses this rejection.

The Examiner takes the position that the heel 30 of Jennings can be disengaged, flipped 180° and reattached so as to allegedly provide the claimed first, operative position and the second, stored position. Applicant respectfully disagrees. If the heel 30 of Jennings is disengaged and flipped as the Examiner suggests, it will still extend down, beyond the bottom surface of the main body. The Examiner can confirm this by, for example, making a photocopy of Jennings' Figure 4, cutting out heel 30, flipping it 180° and visually aligning the screws. Even if the heel 30 is in its upward most position relative to slotted openings 36 (as it will be if the heel depicted in Figure 4 is flipped and the screws aligned), the heel will still extend beyond the plane of the bottom of the main body. Thus, clearly, the Examiner's allegation that heel component 30 when flipped and reattached provides the second, stored position, is without merit. In the position depicted in Figure 4, "legs 32" of heel 30 extend below the plane of the main body. Thus, in neither of the positions asserted by the Examiner does the heel 30 meet the limitations of the second, stored position recited in Applicant's independent claims.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation

is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

For the reasons advanced above, the Examiner's anticipatory rejection based on Jennings with respect to claims 7, 11, 13 and 17 is improper and cannot be sustained.

New dependent claims 19-23 further characterize the heel component of the invention as resiliently retractable from the first position to the second position upon application of a force to the heel component. This feature is supported, for example, by Applicant's disclosure in paragraphs [0027] and [0029]. Clearly, the disassembly and reattachment of an auxiliary component would not meet the limitations of a resiliently retractable heel as claimed by Applicant in claims 19-23.

Further, with respect to claim 7, the Examiner has asserted that Jennings teaches a heel component 30 defining a second working surface 32 and first and second legs. In this respect the Examiner has mischaracterized the language of claim 7. Claim 7 provides that the "heel includes a head portion defining said second working surface" and, further, first and second legs. Even if the legs of Jennings' heel component 30 define a second working surface 32, Jennings fails to teach a heel that includes a head portion defining the second working surface and, additionally, first and second legs. Thus, because the legs define the working surface in Jennings, not a head as required by Applicant's claim 7, claim 7 is not anticipated by Jennings.

With regard to claim 11, the Examiner has asserted that in Jennings "the heel component further having [*sic*; has] a retention plate". It is respectfully submitted, however, that claim 11 provides that the push block device further comprises a retention plate. Claim 11 does not provide that the heel component *per se* comprises a retention plate. Thus, in accordance with the invention, the push block device further comprises a retention plate that is provided for the purpose of securing the retractable heel to the main body. Even if the heel of Jennings is considered to have a plate

portion, there is no provision in Jennings of a separate retention plate for securing the heel to the main body. But even if the recess of Jennings in the heel 30 is considered a retention plate, Jennings still fails to teach or suggest a heel component extending from the main body so as to have a first, operative position and a second, stored position as required by claim 11.

Claim 13 includes the same limitations as claims 7 and 11 with respect to the first, operative position and the second, stored position which are not met by Jennings, even if heel 30 is selectively flipped and reattached. Thus, claim 13 is also not anticipated by Jennings.

Claim 17 includes the same limitations as claims 7, 11 and 13 with respect to the first and second positions of the heel component. Thus, claim 17 is not anticipated by Jennings either.

For all the reasons advanced above, reconsideration and withdrawal of the rejection of claims 7, 8, 11, 13, 14, 17 and 18 is solicited.

Claims 5, 6 and 12 were rejected under 35 USC 103(a) as being unpatentable over Jennings in view of Wang. These claims are submitted to be patentable over Jennings for the reasons advanced above because Jennings does not teach or suggest a heel component having first, operative position, and second, stored position as specifically required by Applicant's claim 5. The Examiner's further reliance on Wang does not overcome this deficiency of the Jennings reference with respect to Applicant's claims. It is therefore respectfully submitted that these claims are also allowable over the prior art of record.

Claim 16 was rejected under 35 USC 103(a) as being unpatentable over Jennings. Claim 16 is also specifically limited to a push block device having a heel component mounted to a main body so as to have a first, operative position and a second, stored position, which is not taught nor in any way suggested by Jennings for

the reasons noted above. It is therefore respectfully submitted that this claim is also allowable over the prior art of record.

Applicant notes with appreciation the Examiner's indication that claims 9 and 10 contain allowable subject matter. For the reasons advanced above, however, it is respectfully submitted that all pending claims should be allowed over the prior art of record.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is solicited.

Respectfully submitted,

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